

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
(Northern Division)

PLUMBERS AND STEAMFITTERS  
LOCAL 486 MEDICAL FUND,

\*

Plaintiff,

\*

\* Civil Action No. MJG 03-219

v.

\*

RITA L. BOOKS, et al.,

\*

Plaintiffs.

\*

\* \* \* \* \*

**PLAINTIFF'S MOTION TO ALTER OR AMEND  
ORDER OF DISMISSAL DUE TO SETTLEMENT**

Plaintiff, Plumbers & Steamfitters Local 486 Medical Fund, by its attorneys Kimberly L. Bradley, and Abato, Rubenstein and Abato, P.A., respectfully moves this Court, pursuant to 59(e) of the Federal Rules of Civil Procedure, to alter or amend the Order of Dismissal Due to Settlement dated May 17, 2004. Plaintiff states in support of its Motion as follows:

- 1) The Court ordered Summary Judgment in favor of Plaintiff Medical Fund in this matter on December 1, 2003, and ordered that the money that Defendants placed in escrow with the Court to be paid over to Plaintiff.
- 2) That Summary Judgment included a mandate that the parties arrange a conference call to discuss the matter of Defendants' counterclaim by December 15, 2003.

3) The conference call was held on December 18, 2003, and the parties agreed that although Defendants dismissed their counterclaim without prejudice, they might file a lawsuit against Plaintiff in the future, raising the same issue, unless the parties could resolve the disputed issue raised by Defendant.

4) After several months of negotiations, the parties resolved the issue raised by Defendant's counterclaim. The parties agreed that the Summary Judgment should stand as originally issued, and that the amount held in the Court's escrow should be released to Plaintiff.

5) Part of the resolution of the dispute required the amounts deposited with the Clerk of Court to be released to Plaintiff, as provided in the parties' final status report, dated May 14, 2004.

6) The Order of Dismissal must be amended, because Defendants' counterclaim had already been dismissed, because Plaintiff agreed to cooperate to provide Defendants with information regarding claims they may have against medical providers, and because the parties agreed that the amount ordered to be paid to Plaintiff by the Court's entry of Summary Judgment should be paid to Plaintiff at this time.

7) Plaintiff's counsel contacted Defendants' counsel to join in this Motion, but Defendants' counsel was participating in a hearing in Montgomery County, and was unavailable. Plaintiffs' counsel believes the Defendants' counsel will not oppose this Motion, as the statements made herein reflect the agreement reached by the parties.

Plaintiff Medical Fund submits herewith a proposed Order of Court, based on the parties' agreement, and based upon the Court's issuance of Summary Judgment on December 1, 2003.

Respectfully submitted,

/S/  
\_\_\_\_\_  
Kimberly L. Bradley  
Bar No. 23653  
Abato, Rubenstein and Abato, P.A.  
809 Gleneagles Court Suite 320  
Baltimore, Maryland 21286-2230  
(410) 321-0990

Attorneys for Plumbers & Steamfitters  
Local 486 Medical Fund

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 18th day of May, 2004 a copy of the foregoing Plaintiff's Motion to Alter or Amend Order of Dismissal Due to Settlement was sent electronically to the following:

Nathaniel Fick, Esquire  
Fick and Petty, P.C.  
1426 East Joppa Road  
Towson, Maryland 21286-5982

/S/  
\_\_\_\_\_  
Kimberly L. Bradley